

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

TROY D. GERMAN, )  
 )  
Plaintiff, )  
 )  
-vs- ) Case No. CIV-19-751-F  
 )  
 )  
BILLY D. "RUSTY" RHOADES, )  
individually; MICHAEL )  
HARRELL, individually; )  
BRIAN ORR, individually; )  
and MEGAN SIMPSON, )  
Individually, )  
 )  
Defendants. )

TRANSCRIPT OF AUDIO RECORDING OF  
AN INTERVIEW WITH TROY GERMAN  
TITLED "801\_0168 GERMAN Z"  
TRANSCRIBED ON JUNE 22, 2020

TRANSCRIBED BY KATE SCIPIONE, CSR, RPR

EXHIBIT

tabbies®  
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1 (Beginning of audio file titled "801\_0168 German Z.")

2 \* \* \* \* \*

3 MR. HOLT: Okay. Okay. Okay. Perfect.

4 Thank you. Bye. Be right there. (Inaudible.) Hey,  
5 Jim.

6 (Several voices speaking.)

7 MR. HOLT: We'll come see what he's got.

8 BY MR. HOLT:

9 Q. Hey, Captain.

10 A. Hey, guys. How are we doing.

11 Q. Good. So my understanding is that the  
12 department's been made aware that -- of some  
13 administrative leave stuff. So let me tell you --  
14 let me tell you what's going on. So first off,  
15 there's some rumors going around the department, tons  
16 of rumors (inaudible) most of them with the change in  
17 administration always comes rumors.

18 Some of those rumors are that -- that there  
19 could be, oh, some criminal intent in some of those.  
20 Made it all the way back to David Prater. Okay? So  
21 David's made contact with some people within the  
22 department asking Troop Z to -- to look into those.

23 A. Okay.

24 Q. Okay? And so we are just trying to find  
25 out -- because your name has popped up. We're just

1     trying to find out what you know about those. Okay?

2     Before we get into that, I'm sure -- I mean, I've  
3     been around you long enough -- nobody knows policy  
4     probably as well as you do -- that we've got to give  
5     you your rights --

6             A. Understood.

7             Q. -- because it's -- you know, it's part of an  
8     investigation, and I'm sure you'll understand them,  
9     but I've got to read them to you anyway just because  
10    we have to with anybody we bring in here. Okay?

11            A. Yeah.

12            Q. So --

13            A. You said suspension with pay or without --  
14    what did you say?

15            Q. I think -- well, my understanding is it's  
16    going to be -- and I don't know. I haven't seen it  
17    because that's not my -- my purview, but I think it's  
18    suspension with pay.

19            A. Okay.

20            Q. Yeah.

21            A. And with Troop Z -- I know you're reading me  
22    my rights --

23            Q. Yeah.

24            A. -- this is criminal intent.

25            Q. Well, this is investigation trying to figure

1 out what you've got going on. So, I mean, this --  
2 it's your decision whether or not you want to talk.

3 A. Understood.

4 Q. Okay? You do have the right to remain  
5 silent. Anything you say can and will be used  
6 against you in a court of law. You have the right to  
7 talk to a lawyer and have him present with you while  
8 you're being questioned. If you cannot afford to  
9 hire a lawyer, one can be appointed and will be  
10 appointed to represent you before any questioning if  
11 you wish one. If you do decide to make any  
12 statements, you may stop at anytime.

13 Do you understand each of those rights as  
14 they -- as they have been explained?

15 A. Yes.

16 Q. Okay. With -- with those rights in mind, do  
17 you wish to speak to us?

18 A. For now.

19 Q. Okay. So tons of rumors. Again, I've heard  
20 rumors that -- you know, that the current  
21 administration was staying and I've heard the rumors  
22 that, you know, everything from different  
23 commissioners -- I've heard that you're going to be  
24 assistant commissioner. I heard that you were going  
25 to be chief and pretty much everything, like,

1 truck, but his Tahoe -- went out and got in the truck  
2 and the commissioner says, "If one more person in the  
3 legislature tells me to promote you," and then he  
4 said that -- at that point, he said that the Troop A  
5 -- he said he told him he's being promoted to Troop  
6 R, and he said that Troop A is down to Lieutenant  
7 John -- Joe Lane and Joe Williams, and who did he  
8 want promoted. Who -- who did he think needed to be  
9 promoted.

10 Now, I waited until -- I have the dates.  
11 They're on my time sheets, but I met with the  
12 commissioner of public safety, Rusty Rhoades, three  
13 times --

14 Q. Okay.

15 A. -- trying to get him to do what's right in  
16 the way I deem what's right. Told him about the  
17 malfeasance with the chief for the patrol, the  
18 cheating, and I actually did not want tied up in it,  
19 and I even waited till the orders came out.

20 Q. Orders of?

21 A. Of Brian Orr being promoted.

22 Q. Do you know what date that was? How long  
23 has Brian been promoted?

24 A. September 1.

25 Q. September 1?

1           A. And please don't quote me on that, but I  
2 believe it was September 1.

3           Q. Okay. I think you're right.

4           A. Once the orders came out on a Thursday or a  
5 Friday, I met with the commissioner on a Monday or  
6 Tuesday the following week. Again, I have all this  
7 on my time sheets, but...

8           Q. Okay.

9           A. At which time I met with the commission -- I  
10 told the commissioner about the cheating, that it  
11 went on. The commissioner asked me what did I want.  
12 I told him, I said, "Don't judge me by yourself. I  
13 don't want anything."

14          Q. Okay.

15          A. At which time I told him that we were going  
16 to effect change and that we needed to effect change.  
17 I waited until I had another meeting with him. I  
18 have texts on my phone where I told him I wanted to  
19 meet with him again. He met with me again up at  
20 Charleston's up on the Kilpatrick one on one, at  
21 which time I told him about the chief's lying again,  
22 told him he's not effected change, that I heard that  
23 he was to change the promotional process to -- to go  
24 from five to ten, that this was not the change I was  
25 talking about, that he had to effect change or I was

1 going to take matters further.

2 Again, no change was made. There used to be  
3 someone that worked in professional standards that's  
4 married to -- his wife is very wealthy.

5 Q. Oh, you're talking about takes all the  
6 pictures.

7 A. Tim. The reason I bring him up, he saw me  
8 there at Charleston's with the commissioner.

9 Q. Yeah. No. He was a lieutenant when he  
10 left.

11 A. Yes.

12 Q. Took all the pictures.

13 A. Yes.

14 Q. Okay. I know who you're talking about.

15 A. All right. At which time I also told him --  
16 told the commissioner about the lying that had went  
17 on with the promotional process with the 12 troopers,  
18 the lieutenants that weren't given the opportunity  
19 because of a mess-up in HR. And I told him where I'd  
20 gotten my information.

21 I met with the commissioner a third time,  
22 text him, met with him a third time -- and I'll have  
23 that date too --

24 Q. Okay.

25 A. -- telling him that he obviously was not

1 leader of the House of Representatives.

2 Q. Mike Sanders?

3 A. Mike Sanders -- that Hunter and Prater and  
4 Jari Askins had met and that the wrongdoing of the  
5 commissioner had been brought up. Now --

6 Q. How long ago was that?

7 A. I don't know. Oh, the meet -- I don't know  
8 when I was -- last two weeks --

9 Q. (Inaudible) when that meeting would happen.

10 A. Two weeks ago.

11 Q. Okay.

12 A. When I was told about it. I don't know when  
13 the meeting happened. And that's why when you said  
14 Prater was involved in this, I was wondering if that  
15 was the deal.

16 Q. Who -- go ahead.

17 A. No. I'm -- I'm all right.

18 Q. You said you haven't -- you said that you  
19 had the list of people you were going to tell. Who  
20 all was on that?

21 A. OSBI because of state statute. Command  
22 staff. I believe I still have the list. I can give  
23 it to you. Senate. The House. Media. I believe I  
24 even had something in there: anybody that I could  
25 get to effect change.



1 Q. Okay. So kind of a (inaudible)?

2 A. That's -- (inaudible). I had a list of who  
3 I was going to contact, trying my best to get him to  
4 do what's right.

5 Q. Okay.

6 A. I even told him in my meeting that I  
7 couldn't go to (inaudible), even though he's in  
8 executive branch. I couldn't go to (inaudible)  
9 because the governor was already protecting Captain  
10 Rogers, and she wasn't going to do anything. She was  
11 a lame duck, and the election hadn't been decided  
12 yet. So I couldn't go to Stitt or to Edmondson.

13 But I even told them whoever made it was  
14 going to go. It was after this meeting that I said,  
15 "I'm going to do this if you don't effect change.  
16 I'm going to do this," is when he started telling me,  
17 "Well, I'm going to help you get the emergency  
18 management (inaudible). I'm going to help you get  
19 there."

20 And I told him, I said, "You can glad-hand  
21 me all you want, but I told you what I want." And he  
22 didn't. So it wasn't long after that I went to the  
23 president pro tem of the Senate's office.

24 Q. Okay. Who all -- who all knows about this?  
25 Who all knows about the recordings, the meetings? I

1           A. And that's not because it's anything  
2 criminal. I just don't -- until I'm forced to tell  
3 that, I'm not going to include those guys in -- in  
4 this.

5           Q. Okay. And I'm not going to be the one to  
6 force you to tell that.

7           A. I understand. No, I understand.

8           Q. Okay. So you said you had three meetings.  
9 Where did those -- so one happened at Charleston's,  
10 you said.

11          A. Okay. The first one happened in his office.  
12 Wanda is the one that -- that let me in it, told him  
13 I was there.

14                 MR. PARISH: You said Wanda?

15                 MR. GERMAN: Wanda. Is that her name?

16          Q. (By Mr. Holt) Yeah. The one that sits right  
17 in front. Yeah. Okay.

18          A. The second one happened at Charleston's.  
19 The third one happened at Starbucks over by Midwest  
20 City by Tinker. And, again, the dates and all that I  
21 have on my time sheet. I kept those dates up. Major  
22 McCoy knows about the meetings because I told him I  
23 was meeting with the commissioner. And --

24          Q. Is he familiar with the content of the  
25 meeting?

1 judge me" -- I think the very words I said was, "Do  
2 not judge me by yourself."

3 Q. What do you think he meant by that?

4 A. Captain, I think he wanted it to go away.  
5 And he wanted to know what it was going to take to go  
6 away.

7 Q. Okay.

8 A. I took it no other way.

9 Q. Okay. So did you ever -- did you ever --  
10 have you ever cashed that in at all during any of  
11 your conversations with the commissioner?

12 A. No.

13 Q. Okay. So part of what Prater has asked us  
14 to look into as part of the allegations are what  
15 you're talking about. The other part is -- is that  
16 you have used that information in a way to try to  
17 further yourself either into the OEM slot or into a  
18 higher ranking job here. Has that happened?

19 A. No.

20 Q. Okay. Have you ever made any demands to the  
21 commissioner at all relating to any of that?

22 A. To benefit me?

23 Q. To benefit you.

24 A. No.

25 Q. To benefit anybody else?

1           A. No. The patrol as a whole, yes. Change the  
2 promotional process, assessment center, to have the  
3 chief step down.

4           Q. Okay. So nothing -- but nothing that would  
5 help any individual -- whether that be you, Brian,  
6 anybody at all -- through the department?

7           A. No. I told him that his command staff was  
8 tainted and that he needed to promote legit -- of  
9 course, I was -- I'm ineligible -- but he needed to  
10 promote legitimate leaders and not cheat, not -- not  
11 your buddies. It has to be assessment center and all  
12 that. But, no, not for me, not for Brian. Oh, my  
13 gosh, not for Brian. Not for anybody.

14          Q. Okay. Did you -- did you ever give any  
15 pieces of paper or any demands at all regarding  
16 promoting you to major?

17          A. No. All I said was that the majors had to  
18 be -- they were on this deal. I told him, I said,  
19 "These things have got to happen. These are the  
20 deadlines have got to happen," and that's when I slid  
21 the piece of paper that had all the people that I was  
22 going to contact on it, and I point blank told him  
23 that he's going to have to make sure that the ones  
24 that promoted -- that he's going to have to make --  
25 the command staff was going to have to be a

1 legitimate command staff, and he needed to promote  
2 majors to command staff.

3 Q. Okay. You said "demands." What -- what do  
4 you mean by demand? Time frames? Tell me -- tell me  
5 what you meant when you said slid across demands,  
6 time lines. What -- what's -- what's that?

7 A. That -- well, before the -- before the  
8 governor took over. In other words, I will -- if he  
9 takes care of this and changes this that I would go  
10 on down the road, and it doesn't get aired out.

11 Q. And so -- okay. So tell me -- okay. So you  
12 say before the governor got elected. Before Stitt --  
13 or at that point I guess you didn't know.

14 A. It was either Edmondson or Stitt. That's  
15 correct.

16 Q. So the time line revolved around the  
17 election.

18 A. That's correct.

19 Q. Okay. Revolved around the election. And  
20 what -- so other than the names, what else -- what  
21 else had revolved -- what else had to happen before  
22 governors changed?

23 A. Promotional process changed. Legitimate  
24 promotions, the legitimate promotions to major.  
25 Legitimate promotions to lieutenant colonels.

1 Legitimate promotions all the way around. Captains,  
2 lieutenants, whatever.

3 MR. PARISH: Just to clarify, when you say  
4 legitimate promotions to major, for example --

5 MR. GERMAN: Tim Tipton. Are you talking  
6 about names?

7 MR. PARISH: Well, yeah. Sure.

8 MR. GERMAN: Yeah. The names of them --  
9 these are my -- I didn't tell Rhoades -- I didn't  
10 tell the commissioner this, but we're talking about  
11 people who have earned it, what I -- and, again, this  
12 is subjective.

13 MR. PARISH: Sure, sure. Tip Tipton. Who  
14 else?

15 MR. GERMAN: Ronnie Hampton. He's been on  
16 the list before that I know of. Alan Henry has been  
17 the list before. David -- Jason Holt's been on the  
18 list before that have served their time and all that.

19 MR. PARISH: So would your request or your  
20 requirement or your demand or what you wanted to see  
21 different, would it have been to eliminate the majors  
22 that are there and --

23 MR. GERMAN: No.

24 MR. PARISH: -- replace them? Just add to.

25 MR. GERMAN: Add to. They're going to be --

1     there's going to be attrition.

2                 MR. PARISH:   Okay.   All right.

3                 Q.   (By Mr. Holt) You know, so was it by -- I  
4     mean, were they just random dates?   Was it the  
5     election date?   What...

6                 A.   I -- I think I gave him dates because of the  
7     election.   It was all hinged around the election.  
8     Maybe even the -- yeah, I guarantee you it would  
9     all -- it would all have hinged around the election.

10                Q.   Okay.

11                A.   Because that would have made the difference  
12    to me on when I was going to go and who I was going  
13    to go to.

14                Q.   And so if he didn't have those things  
15    changed or at least --

16                A.   Effect positive change was always what I  
17    said.   Effect positive change.

18                Q.   -- by then, then you said you were going to  
19    go --

20                A.   Further up.   Whatever --

21                Q.   Further up.

22                A.   -- it needed to take.   Senate, House, media,  
23    whatever it took.

24                MR. PARISH:   You told me that, Senate,  
25    House, media.   So he was -- he knew where you were

1 talking about.

2 MR. GERMAN: Oh, yes. He saw it, yes. Sure  
3 did. Saw the piece of paper I gave him. Yes.  
4 Absolutely.

5 Q. (By Mr. Holt) If he didn't -- so you said  
6 you went to Treat's. Was Treat -- what -- what  
7 triggered you -- when did you go see Treat? Or go  
8 see whoever it was at Treat's office.

9 A. It's on my time sheet.

10 Q. Okay. What triggered you to do that? Was  
11 it past the date that --

12 A. Yes. No change was being effected.

13 Q. Okay. Did you ever come out -- and when you  
14 start talking -- so you said you did give names of  
15 who needed to be promoted, or you didn't give names?

16 A. No. I've given the names here.

17 Q. Okay. You didn't give it to the  
18 commissioner.

19 A. No. No. No. I'm talking legitimate  
20 promotions. Legitimate promotions.

21 Q. Yep.

22 A. And I even told him, I said selfishly --  
23 talking about me personally -- selfishly, the human  
24 aspect of what I'm doing even comes into effect that  
25 I -- that I look at the way things are being done and



1 said was to effect change.

2 Q. Okay. So -- so don't let me misquote you.

3 So -- but part of the demands were if you didn't see  
4 some of those things that you had said were problems  
5 prior to a certain date, whatever date's on the note,  
6 then you were going to turn that information over to  
7 the list of OSBI, the Senate, media --

8 A. Yes.

9 Q. -- those places.

10 A. Yes.

11 MR. PARISH: And -- and when you say "effect  
12 change" -- sorry to interrupt, but something's come  
13 to my mind -- that's a broad term for the things that  
14 you had detailed that you wanted to see. Command  
15 staff changes, chief step down, were that -- all  
16 those things included in -- in your change?

17 MR. GERMAN: Yes.

18 MR. PARISH: Okay.

19 MR. GERMAN: Guys, this is -- this is a  
20 broad statement. Our culture and our ethos isn't  
21 what we say it is. That's just the bottom line.

22 Q. (By Mr. Holt) What do you mean by that?

23 A. We say we're the best. We say that we have  
24 high integrity. High morals. No, we do not. We do  
25 have some on the patrol that do. Don't hear what I'm

1     only the ones with Brian? Or were there other  
2     recordings?

3           A. That's it.

4           Q. Okay. And then just -- just to make sure,  
5     just to kind of reiterate this "effect change  
6     business" that you -- that you're referring to -- and  
7     I don't -- I don't disagree with one bit -- how would  
8     you know -- if you could explain it to me, how would  
9     you know as -- I don't know. For lack of a better  
10    term -- an agent of change that that change had been  
11    actually effected?

12          A. I'd see it in policies, promotional  
13    policies, being changed --

14          Q. Okay.

15          A. -- towards an assessment center. The chief  
16    being disciplined or held accountable for his  
17    actions.

18          Q. So you would just -- you could sit back and  
19    watch and see if things were --

20          A. That is correct.

21          Q. Right. And know that -- that they were  
22    things that you in fact had --

23          A. And -- and hence the deadlines.

24          Q. Right.

25          A. I could see them happening.

1 Q. So --

2 A. It would have even have been better if he  
3 would have promoted a couple of majors, captains to  
4 majors, to effect the change in the command staff or  
5 -- just because of the way our culture is. But  
6 that's okay.

7 Q. Let me ask you this: Did you -- did you  
8 have suggestions for the commissioner as far as...

9 A. I mentioned about not being top five, that  
10 when he came in, he went from top three to top five  
11 to top ten. Talked about why go to ten? Why leave  
12 it open for more people? Assessment center. I  
13 mentioned the assessment center.

14 Q. What do you mean by that?

15 A. The assessment center?

16 Q. Uh-huh.

17 A. Okay. There are agencies -- well, it's a  
18 national deal. State agencies, fire, law  
19 enforcement, all kinds of agencies, that have what's  
20 called an assessment center. It's an outside entity.  
21 For instance, we have people that go out of state and  
22 sit on these boards in these assessment --

23 Q. Right.

24 A. -- centers. Same thing.

25 Q. So it's not an internal?

1 A. Less internal.

2 Q. Okay. So -- so you'd have outsiders  
3 actually picking a lot of those -- at least a portion  
4 of your --

5 A. Right. Like, the top three -- I think the  
6 rule is the rule of three with the top three  
7 (inaudible) commissioner, and they would pick from  
8 the top three.

9 Q. Okay. Promotional process changes.

10 A. Yes.

11 Q. Assessment center. Promotions. Actual  
12 command (inaudible) promotions. Promotions to major  
13 occurred. And discipline the chief. Deal with the  
14 chief.

15 A. Deal with it.

16 Q. (Inaudible.)

17 A. Yeah. Whatever it is.

18 MR. PARISH: You want your chair back  
19 (inaudible)? We were just visiting. I was just  
20 trying to make sure I understood exactly.

21 MR. GERMAN: Okay. So we have -- so we have  
22 got to change the course of the patrol.

23 BY MR. HOLT:

24 Q. So have you ever -- did you ever go to the  
25 chief with your issues that you have? Straight to